



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-third session

12-30 June 2000

Item 5 of the provisional agenda*

**Implementation of article 21 of the Convention on
the Elimination of All Forms of Discrimination
against Women**

**Report provided by specialized agencies of the
United Nations on the Implementation of the
Convention in areas falling within the scope of
their activities**

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, on 18 November 1999, the Secretariat invited the International Labour Organization (ILO) to submit to the Committee, by 20 December 1999, a report on information provided by States to ILO on the implementation of article 14 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of the States parties to the Convention that will be considered at the twenty-third session.
2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 14 and related articles of the Convention.
3. The report annexed hereto has been submitted in compliance with the Committee's request.

* CEDAW/C/2000/II/1.



Annex

Report of the International Labour Organization under article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, submitted to the Committee on the Elimination of Discrimination against Women at its twenty-third session (June 2000)

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* Part III does not appear in the present document.

Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All forms of Discrimination Against Women are dealt with in a number of ILO Conventions. Of the 182 Conventions adopted so far, the information in the attached report relates principally to the following:

- Equal Remuneration Convention, 1951 (No.100), which has been ratified by 143 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No.111), which has been ratified by 140 member States;
- Workers with Family Responsibilities Convention, 1981 (No.156), which has been ratified by 29 member States.

Where applicable reference is made to a number of other Conventions which are relevant to the employment of women:

Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No.142)

Maternity protection

- Maternity Protection Convention, 1919 (No.3)
- Maternity Protection Convention (Revised), 1952 (No.103)

Night Work

- Night Work (Women) Convention (Revised), 1948, (No.89) [and Protocol]
- Night Work Convention, 1990 (No.170)

Underground Work:

- Underground Work Convention, 1935 (No. 45)

Part-time work:

- Part-Time Work Convention, 1994 (No. 175)

Home work:

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report - produced in English, French and Spanish - which is submitted to the International Labour Conference. Direct requests (produced in English and in French - and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO's data base of supervisory activities, ILOLEX (available on-line or on CD-ROM).

In addition, Part III of the report includes additional information on the countries concerned including statistical tables, information on technical cooperation activities, and annexes (extracts of relevant comments of the CEACR) to Part II of the report.

Part II: Indications concerning the situation of individual countries

Austria

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Austria has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 103, 105, 122, 142.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provisions of CEDAW relate to:

Convention No. 100: In an observation of 1996, the Committee noted with interest that in a resolution of 14 September 1994, the Supreme Court examined for the first time the question of indirect discrimination against women and the resulting legal consequences. The Supreme Court established that a wage category provision of a collective agreement, stating that "physical capability" is the determining criterion for classification in a higher category, was excessively to the advantage of men. As there was no classification criterion based on capacities more typical of women workers (such as manual dexterity), the Court concluded that this lack of balance in the assessment criteria constituted indirect discrimination against physically less capable women and was thus an infringement of section 2(2) of the Equality of Treatment Act, 1979, as amended. The relevant wage category provision of the agreement was consequently ruled to be partially invalid. In a direct request of the same year, the Committee noted that, in terms of average income, men earned approximately 42 per cent more than women and that, according to the Government's report, about one-third of that difference was ascribed to the higher proportion of women in part-time work. In the light of the above-mentioned decision of the Supreme Court, the Committee asked the Government whether any measures had been taken by, for example, the Equality of Treatment Committee or the social partners, to examine whether classification criteria took adequate account of factors more likely to be present in the work performed by women.

Convention No. 103: In an observation of 1998, the Committee noted with interest the adoption of the amendment to the Agricultural Labour Act which suspended the termination of temporary employment contracts for pregnant women, unless the temporary nature of the contract was objectively justified or provided for by law, thereby giving better effect to the provisions of the Convention for this category of women workers. Further, the Committee noted that sections 10 and 12 of the Federal Maternity Protection Act and section 75 of the Federal Agricultural Labour Act, under certain circumstances, authorized the dismissal of women who are pregnant and following confinement, subject to the consent of the judicial authorities. Noting that the Government did not provide any information on new elements which modified the situation, the Committee recalled once again that these legal provisions, even though they covered a period of protection that was longer than the periods covered by the Convention and offered certain guarantees against the abusive dismissal of women workers during pregnancy and following confinement, were not in themselves sufficient to give full effect to this provision of the Convention. The Committee hoped that the Government would be able to take the necessary measures to bring its legislation into full conformity with the provisions of the Convention. It also requested the Government to state whether women who were dismissed under these provisions

of the Maternity Protection Act and the Agricultural Labour Act nevertheless received the maternity benefit guaranteed by the Convention.

Convention No. 111: In a direct request of 1997, the Committee noted the detailed information provided by the Government in relation to the progress in women's access to the public service and improved terms and conditions of work. While noting an increased number of women in higher public service posts, the Committee also observed that as regards higher teaching staff, at the level of two types of university professors, 3.4 per cent to 6.2 per cent were women whereas 96.6 per cent to 93.8 per cent were men. With regard to the application of the Equality of Treatment Act in the agriculture and forestry sectors, the Committee noted with interest that, apart from Burgenland, all the Länder had adopted in their own laws provisions as rigorous as the federal Equality of Treatment Act regarding discrimination on the basis of sex. Further, the Committee noted that one of the amendments to the Act on Collective Labour Relations aimed at, *inter alia*, ensuring the adequate representation of women workers when nominations are made for the Austrian members of the Special Bargaining Committee. It noted with interest the draft amendments to the Equality of Treatment Act, in particular, those concerning regionalisation of the system of legal aid offices for equal treatment; reimbursement of certain expenses for persons who appear before the Commission for Equal Treatment; the inclusion of provisions according to which sexual harassment would be committed by third parties (colleagues or clients) even if the employer had not failed in its obligations; and provisions lifting time-limits for lodging complaints of violation of equal treatment. In its report, the Government also stated that the social partners and the Government had agreed to begin discussions on a "major" revision of the Act. This revision would amend the provisions relating to the burden of proof and the amount of fines for violation of the Act. However, this revision would not start until the European Union adopts a firm position on the question. The Committee asked the Government to inform it in its next report of any developments concerning this point. Regarding the measures to eliminate occupational segregation on the basis of sex, the Committee noted the numerous activities of the Labour Market Service in favour of promoting equal opportunity and treatment for women (see attached direct request on this Convention), and encouraged the Government to continue to supply such information as well as on the results obtained with this respect.

Cuba

Position in regard to ILO Conventions relating to women

II. Among the relevant ILO Conventions, Cuba has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 98, 103, 105, 122, 138 and 142.

III. **Comments by the ILO supervisory bodies:** The pending comments of the ILO Committee of Experts on matters relevant to the provisions of CEDAW relate to:

Convention No. 103: In a 1997 observation the Committee noted the Government's explanations concerning changes in the legislation on maternity protection for women workers, in that granting interruptions of work for the purpose of nursing did not attain its objective. Noting the large number of women who return to work immediately after the three months' post-

natal leave, the Government decided to grant women wishing to take care of their children and not return to work an allowance amounting to 60 per cent of their average wage until their children are six months old (Resolution No. 10/91). The Committee drew the Government's attention once again to the situation of women who, for personal reasons, wished to resume their jobs on expiry of post-natal leave. It recalled that these women should be entitled to interrupt their work for the purpose of nursing their children and that these interruptions were to be counted as working hours and remunerated accordingly.

There are currently no pending comments on Conventions No. 100 and No. 111 relevant to the employment of women.

Iraq

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Iraq has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 89, 98, 100, 105, 122, 138, and 142.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provisions of CEDAW relate to:

Convention No. 100: In a 1998 direct request, the Committee noted with regret that the Government's report had not been received and it was therefore bound to repeat its previous comments on the application of this Convention. The Committee recalled that section 4, II of the Labour Code of 1987 provided for equal remuneration only for "*work of the same nature and the same volume carried out in identical conditions*". It noted that the Government had indicated previously that equality of remuneration for men and women workers who performed work of equal value, even if it was of a different nature, was applied through the *work rules* in the establishments that were covered by the Labour Code and applied throughout the private, cooperative and mixed sectors. The Government added that the Labour Inspectorate was responsible for ensuring that the law was applied and had reported no infringements in this respect. The Committee drew the Government's attention to the fact that section 4 of the Labour Code did not give full effect to the Convention and asked the Government to indicate the measures it planned to take to amend section 4 so as to bring labour legislation into conformity with the Convention. With regard to supplementary bonuses and indemnities that were determined as a function of the results of the enterprise and that were assigned through agreements negotiated between organizations of employers and workers, the Committee noted the Government's statement that the bonuses and indemnities were granted without discrimination, as in the public service. With regard to the public service, the Committee noted that, according to the Government, remuneration was equal for men and women with the same skills, who were employed at the same grade and work in the same areas and conditions. It requested detailed information with regard to the implementation of the above statements in order to ascertain that the principle of the Convention is observed in practice.

Convention No. 111: In a direct request of 1997 the Committee recalled that Resolution No. 480 of 1989 concerning the employment of qualified women in the state administration and the socialist and mixed sectors, which prohibited certain occupations for women, was suspended by

Decision NO. 76 of 2 May 1993. Pursuant to this text, another resolution would decide whether Resolution No. 480 would be repealed or reinstated. The Committee requested the Government to inform it of the present status of this resolution which prohibited access by women to certain occupations. With regard to the statistics requested on distribution of men and women in employment, the Committee noted the tables transmitted by the Government on the vocational training courses held in 1994 by the General Federation of Iraqi Women and the people's training centres. It requested the Government to provide tables showing the proportion of men to women on these courses as well as statistics on the number of women occupying posts of responsibility in the public sector, in proportion to men, and their classifications. It also requested the Government to indicate whether programmes designed to promote employment of women had been implemented or were envisaged, and whether concrete results had been obtained in this direction.

Romania

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Iraq has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 89, 98, 105, 122 and 138.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provisions of CEDAW relate to:

Convention No. 100: In a direct request of 1998, the Committee continued its dialogue with the Government concerning article 38, paragraph 4 of the Constitution and section 151 (1) of the Labour Code which established only the principle of equal remuneration for equal work, rather than principle of equal remuneration for *work of equal value*. The Committee drew the Government's attention to the importance of including in the national legislation a definition of the principle of equality which is in conformity with Convention No. 100. The Committee noted with interest that the Department of the Ministry of Labour and Social Promotion responsible for promoting the rights of women had drawn up a draft text on equality of opportunities for men and women, which had been presented to Parliament for adoption. It hoped that this draft text would contain a definition of the principle of equality which would be in full compliance with the Convention. As regards the objective evaluation of jobs, the Committee indicated that the adoption of the concept of equal pay for work of equal value, logically implied a comparison of the tasks involved and it noted that the Government had previously expressed a wish to receive technical assistance from the Office with regard to such evaluation of jobs. The Committee further noted that the percentage of women in high salary groups was very low, whereas it was generally higher in the low and middle salary groups. The percentage of women in managerial or executive positions in public administration and economic and social institutions was also relatively low compared to the percentage of men in these institutions. The Committee requested the Government to provide further details in this regard, including on specific measures adopted

to promote the access of women to jobs at different levels, in particular better paid jobs where they were still under-represented. The Committee noted that the social partners had stated their intention to negotiate a new collective agreement to be implemented at the end of 1998, and it hoped that this new agreement would contain provisions to ensure the observance of equal remuneration for men and women. The Committee also noted that the minimum wage levels fixed in 1998 by collective labour agreements at the level of certain economic branches which employ a predominantly female workforce were greater than the statutory minimum wage. It requested information on the wage levels fixed by collective agreements in the various sectors of activity, including those where women were under-represented.

Convention No. 111: In a direct request of 1997, the Committee noted that several activities had been undertaken — some with the technical cooperation of the Office — such as the creation of a Pilot Office providing information and advice for women and the signature of a cooperation agreement with the principal trade union confederations with a view to respecting equality of opportunity for women within the National Plan on Redistribution of Manpower; future activities included the drafting of a Bill on equality of opportunity and the creation of a National Agency on Equality of Opportunity. As regards the enforcement of equality provisions, the Committee noted that Parliament had recently adopted an Act to create the Advocate of the People (Ombudsman) and appointed a former Supreme Court judge to that office. It also noted that a working group within the Ministry of Labour and Social Protection was drawing up a draft Bill on labour inspection (which was adopted in 1999) aiming at the creation of an independent and efficient inspection body.

A National Tripartite Seminar on Women in the Labour Market was held in September 1999, involving representatives of various Government agencies and the social partners, the academe and non-governmental organizations, which formulated a set of recommendations with regard to the promotion of equal opportunities of men and women in employment and occupation.